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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,794	08/12/2005	Aloys Wobben	970054.479USPC	7319
500	7590	04/16/2009	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			BOATENG, ALEXIS ASIEDUA	
701 FIFTH AVE			ART UNIT	PAPER NUMBER
SUITE 5400			2838	
SEATTLE, WA 98104				

  

MAIL DATE	DELIVERY MODE
04/16/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/516,794	WOBBEN, ALOY
	<b>Examiner</b>	<b>Art Unit</b>
	Alexis Boateng	2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 March 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3 and 5-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1–4, 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (GB 2,325,799).

**Regarding claims 1 and 15**, Schneider discloses wherein an apparatus for transporting electrical energy characterized by a storage device which is formed from a plurality of storage elements (figure 1 item 2) and which is arranged as a payload on and/or in a vehicle (pg 2 line 7), wherein in the delivery of the electrical energy the storage device remains on and/or in the vehicle and the vehicle has a connection for transmitting the stored electrical energy upon discharge (pg 2 lines 20 - 22). Schneider does not disclose wherein the batteries are arranged as a payload, but the batteries used in the Schneider system may be used as a payload as they provide charge to other batteries. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider system in such a manner that the batteries are a payload system so that they may provide charge to other vehicles.

**Regarding claim 2**, Schneider discloses wherein accumulators and/or capacitors as the storage elements (figure 1 item 2).

**Regarding claim 3**, Schneider discloses wherein the storage elements which are mechanically and/or electrically combined to form storage device groups. Schneider discloses the invention as claimed, but does not disclose wherein there are groups of storage elements. It would have been obvious to a person of ordinary skill in the art to add duplicate storage batteries to the system so to provide additional power to other devices, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

**Regarding claim 4**, Schneider discloses wherein a vehicle drive which is operable with the stored energy (page 4 lines 4 – 13).

**Regarding claim 7**, Schneider discloses wherein at least one electrical collective connection for a plurality of storage elements and/ storage device groups (figure 1 item 10).

**Regarding claim 8**, Schneider discloses wherein at least one opening in each storage element for introducing or draining off fluid (pages 4 line 25 - page 5 line 13).

3. Claims 5–7, 9, 10, 16–18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (GB 2,325,799) in view of Pintz (U.S. 6,384,569).

**Regarding claim 5**, Schneider does not disclose the invention as claimed. Pintz discloses in figure 1 wherein fixed stations, item 2 are used for charging up and discharging the storage device and/or for converting the electrical energy. At the time of invention, it would have been obvious to a person of ordinary skill in the

art to modify the Schneider system with the Pintz system so that it is easy to charge and discharge the electrical energy in the system.

**Regarding claims 6 and 7**, Schneider does not disclose the invention as claimed. Pintz discloses in column 4 lines 17 – 35 wherein stations are for intermediate storage of the electrical energy. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider system with the Pintz system so that electrical energy may be used for future purposes.

**Regarding claims 9 and 10**, Schneider does not disclose the invention as claimed. Pintz discloses in column 4 lines 17 – 58 wherein collecting conduits connect the openings of the storage elements. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider reference with the Pintz reference so that it is easy to charge and discharge the electrical energy in the system.

**Regarding claims 16–18**, Schneider does not disclose the invention as claimed. Pintz discloses in column 4 lines 17 – 64 wherein after charging of the electrical energy into the storage device to the destination a fluid contained in the storage device is removed and that after transport of the storage device to the destination but prior to removal of the electrical energy fluid is introduced into the storage device. At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider system with the Pintz system to provide optimum charging.

4. Claims 11- 14 and 19 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (GB 2,325,799) in view of Okada (U.S. 5,960,898).

**Regarding claims 11–14, and 19 - 25,** Schneider does not disclose the invention as claimed. Okada discloses wherein a device for monitoring individual storage elements and/or controlling charging/discharging operation and or for supplying remaining fluid (figure 1 item 21). At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the Schneider reference with the Okada reference so that the charge and discharging cycles are properly monitored so that the system is not damaged.

#### ***Response to Arguments***

5. Applicant's arguments filed 3/16/09 have been fully considered but they are not persuasive. **Regarding claim 1,** the applicant argues that the storage devices of Schneider are not arranged as a payload for the vehicle, but instead power the vehicle. As disclosed on page 3 lines 11- 26, the batteries may transmit or receive power. Since the batteries may provide power to other devices and vehicle, the batteries became payloads on the vehicle because they are not only used to power the vehicle. The applicant argues that the Pintz and Okada references do not provide batteries that are payloads on the vehicle. The Pintz and Okada references are secondary references and read on the limitations not met in the Schneider reference. The applicant argues that the Okada reference does not specifically identify monitoring a number of charge/discharge cycles and outputting a corresponding a notification is disclosed.

Okada discloses in column 6 lines 10 – 67 wherein the charging and discharging of the capacitor is monitored and commands are provided to the vehicle in response to these readings.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexis Boateng whose telephone number is (571) 272-5979. The examiner can normally be reached on 8:30 am - 6:00 pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm I. Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

/Edward Tso/

Primary Examiner, Art Unit 2838